

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:17-cr-00077-MR-DLH**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES WILLIAM MEMSEN,

Defendant.

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SEALED ORDER

THIS MATTER is before the Court on the Defendant's Motion for Leave to File Sealed Document [Doc. 40].

The Defendant, through counsel, moves the Court for leave to file a sentencing exhibit under seal in this case. For grounds, counsel states that the exhibit includes sensitive and private personal information concerning his wife's confidential medical records. [Doc. 40].

Before sealing a court document, the Court must "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives." Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000). In the present

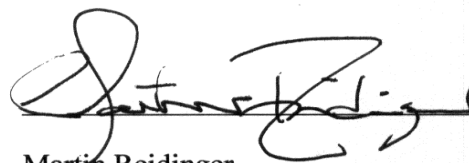
case, the public has been provided with adequate notice and an opportunity to object to the Defendant's motion. The Defendant filed his motion on April 13, 2018, and it has been accessible to the public through the Court's electronic case filing system since that time. Further, the Defendant has demonstrated that the exhibit contains sensitive information concerning the Defendant and that the public's right of access to such information is substantially outweighed by the Defendant's competing interest in protecting the details of such information. Finally, having considered less drastic alternatives to sealing the document, the Court concludes that sealing of the exhibit is necessary to protect the Defendant's privacy interests.

Accordingly, the Defendant's Motion to Seal is granted, and counsel shall be permitted to file a sentencing exhibit under seal.

IT IS, THEREFORE, ORDERED that the Defendant's Motion to Seal Sentencing Memorandum [Doc. 40] is **GRANTED**, and the Defendant's Sentencing Exhibit shall be filed under seal and shall remain under seal until further Order of the Court.

IT IS SO ORDERED.

Signed: April 16, 2018


Martin Reidinger
United States District Judge

